

## REMARKS

Claims 1-20 are pending and at issue in the application with claims 1 and 5 being independent claims. Claims 5-20 have been added. As such, 2 independent claims exist in the application as previously paid for, and 20 total claims exist in the application as previously paid for. Authorization to charge deposit account number 13-2855 is submitted herewith for the requisite extension fee of \$60.00. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to deposit account number 13- 2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The applicants respectfully traverse the rejections of claims 1-3 as anticipated by Ragner et al. (U.S. Patent No. 6,175,196) under 35 U.S.C. §102(b), and claim 4 as unpatentable over Ragner et al. under 35 U.S.C. §103(a).

Independent claim 1 recites a device for visualization of information on a rotating visible surface comprising light sources, a synchronization sensor, a light sensor and a microcontroller having an independent power supply.

The applicants submit that the action does not establish a *prima facie* case of anticipation against claims 1-3 because Ragner et al. does not disclose all of the limitations of independent claim 1. In particular, Ragner et al. does not disclose a microcontroller. Although Ragner et al. discloses a safety light designed to provide automatic operation for rotating assemblies, such as wheels, (see e.g., Abstract), Ragner et al. does not provide a microcontroller with the safety light. Instead, Ragner et al. provides an acceleration/motion sensor 22, a photo sensor 24, an illumination device 26 and a battery 20 (see Fig. 1 as cited in the action). To the best of the applicants' understanding, the action asserts the acceleration/motion sensor 22 corresponds to the claimed synchronization sensor, the photo sensor 24 corresponds to the claimed light sensor, the illumination device 26 corresponds to the claimed light sources and the battery 20 corresponds to the claimed power supply. However, Ragner et al. does not appear to disclose anything corresponding to a microcontroller.

Indeed, even the acceleration/motion sensor 22 of Ragner et al. does not correspond to a microcontroller. Ragner et al. discloses the acceleration/motion sensor 22 as a spring mass

inside a metal can, as an accelerometer on an integrated circuit that detects acceleration or other sensors that detect rotational acceleration such as infrared motion sensors. (See column 4, lines 30-40). In short, acceleration/motion sensor 22 of Ragner et al. is a switch. As is understood by those of ordinary skill in the art, mere switches do not constitute a microcontroller. For example, as disclosed in paragraph [0025] of the applicant's specification:

[0025] The microcontroller 4 contains a library with a plurality of different visual patterns, like images, texts, light effects, or combinations of the three, recorded on its memory prior to the microcontroller's production. The interface 9, by means of the light sensor 7 acting also as an input device for the input of new data for new images, and an external source (not displayed on the drawings) allow to add additional libraries with patterns in the memory of the microcontroller 4 while using the device. The external source may be a personal computer, a laptop, a notebook, or a specialized device, provided with software and supporting the device's communication protocol, as well as input and processing of data. This allows you to repeatedly reprogram the device on the spot, according to the operator's preferences, on-line, etc.

Additional examples regarding the microcontroller are given in paragraphs [0027]-[0032]. It is clear that while claims are given their broadest reasonable interpretation, the interpretation must be consistent with the applicant's specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. Of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004). See also MPEP 2111. As a result, Ragner et al. does not appear to disclose anything corresponding to a microcontroller, as recited by independent claim 1. A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. See MPEP 2131. Accordingly, independent claim 1, and dependent claims 2 and 3, are not anticipated by Ragner et al., and the grounds for rejection cannot be sustained.

The applicants submit that the action does not establish a *prima facie* case of obviousness against claim 4 because Ragner et al. does not teach or suggest all of the limitations of claim 4, for the reasons provided above. In addition, Ragner et al. does not disclose or suggest a sticky foil, nor has the action asserted as such. It is clear that to "establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); See also MPEP 2143.03.

Still further, the applicants submit that the action does not establish a *prima facie* case of obviousness against claim 4 because the action does not provide any motivation or suggestion to modify Ragner et al. as suggested. Instead, the action merely concludes that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the sticky foil in the system of Ragner et al., if desired.” It is clear that to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP 2143. Desire alone is not sufficient to motivate or suggest the asserted modification to Ragner et al., absent such a suggestion from the prior art. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See MPEP 2143.01.

Accordingly, claim 4, is not rendered obvious by Ragner et al., and the grounds for rejection cannot be sustained.

In addition to not disclosing each of the limitations of claims 1-4, Ragner et al. does not disclose the advantages and benefits associated with the claims. In particular, the device of independent claim 1 is able to conserve power with the assistance of a microprocessor and a light sensor, which also serves as a data receiver. The device utilizes sensors connected to a microcontroller, wherein an appropriate algorithm may be used to decide when to illuminate the LEDs. The applicants’ device permits visualization of mono- and polychromatic images anywhere from the simplest images to pictures and photographs, pictures within pictures, text, and the like, including complex advertising and entertainment effects. Furthermore, the displayed images may be framed, three-dimensional, and even dynamic, i.e. the images may be animated. By contrast, the safety device of Ragner et al. provides limited versatility by only illuminating the device, whereas the device of claims 1-4 can achieve visualization of detailed information, such as letters, pictures, and the like, extracting the information to be displayed from a memory, processing the information via a microprocessor, and displaying the information on a rotating bar. This is a fundamental advantage over the device of Ragner, et al., on the one hand, which is directed to providing only illumination in order to indicate presence of an object, i.e. in the nature of a safety light device, versus and the applicants’ claimed device, which provides for visualization of information. Accordingly, because Ragner et al. does not disclose or suggest the devices of claims 1-4, Ragner et al. is unable to

provide the advantages of the device for visualization of information on a rotating visual surface, as recited by claims 1-4.

Newly added claims 5-20 each recite a microcontroller and are allowable for the same reasons as provided above with respect to claims 1-4.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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